

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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PIRELLI ARMSTRONG TIRE	)	Case No. 1:07-cv-05862-RJH
CORPORATION RETIREE MEDICAL	)	
BENEFITS TRUST, Derivatively on Behalf	)	ECF
of MACY'S, INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	<b>NOMINAL DEFENDANT'S</b>
	)	<b>NOTICE OF MOTION TO DISMISS</b>
TERRY J. LUNDGREN, KAREN M.	)	
HOGUET, SARA LEVINSON, CRAIG E.	)	
WEATHERUP, JOSEPH NEUBAUER,	)	
JOSEPH A. PICHLER, JOYCE M. ROCHE,	)	
MEYER FELDBERG, MARNA C.	)	
WHITTINGTON, KARL M. VON DER	)	
HEYDEN, WILLIAM P. STIRITZ, JOEL A.	)	
BELSKY, DENNIS J. BRODERICK,	)	
THOMAS G. CODY, THOMAS L. COLE,	)	
JANET E. GROVE and SUSAN D.	)	
KRONICK,	)	
	)	
Defendants,	)	
	)	
- and -	)	
	)	
MACY'S, INC., a Delaware corporation,	)	
	)	
Nominal Defendant.	)	
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PLEASE TAKE NOTICE that Nominal Defendant Macy's, Inc., will move the Court before the Honorable Richard J. Holwell, United States District Court Judge for the Southern District of New York, in courtroom 17B, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, and at such time as the Court shall direct, for an order pursuant to Federal Rules of Civil Procedure 12(b)(6) and 23.1 dismissing the claims set forth in the Shareholder Derivative Complaint for failure to make a pre-suit demand, for the reasons set forth

in the Individual Defendants' Memorandum In Support of Defendants' Motion to Dismiss the Shareholder Derivative Complaint, dated November 8, 2007.

Dated: November 8, 2007

Respectfully submitted,

*s/ JoAnn Nelson*

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JoAnn Nelson (JN-3187)  
Macy's, Inc.  
151 West 34th Street, 13th Floor  
New York, New York 10001  
Telephone: 212-494-7017  
Email: joann.nelson@macys.com

*Attorney for Nominal Defendant Macy's, Inc.*

**CERTIFICATE OF SERVICE**

The foregoing document was served on the following counsel of record on November 8, 2007 by electronic mail through the Court's CM/ECF system and by Federal Express:

Thomas G. Amon  
Law Offices of Thomas G. Amon  
500 Fifth Avenue, Suite 1650  
New York, New York 10110  
Telephone: (212) 810-2431  
Facsimile: (212) 810-2427  
Email: tamon@amonlaw.com

Brian J. Robbins  
Jeffrey P. Fink  
Ashely R. Palmer  
Robbins Umeda & Fink, LLP  
610 West Ash Street, Suite 1800  
San Diego, California 92101  
Telephone: (619) 525-3990  
Facsimile: (619) 525-3991  
Email: notice@ruflaw.com

George E. Barrett  
Douglas S. Johnston, Jr.  
Timothy L. Miles  
Barrett, Johnston & Parsley, LLC  
217 Second Avenue North  
Nashville, Tennessee 37201  
Telephone: (615) 244-2202  
Facsimile: (615) 252-3798

John M. Newman, Jr.  
Geoffrey J. Ritts  
Michael A. Platt  
JONES DAY  
North Point  
901 Lakeside Avenue  
Cleveland, OH 44114  
Telephone: (216) 586-3939  
Facsimile: (216) 579-0212

s/ JoAnn Nelson

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